

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DE SIMONE

Serial No. 10/024,199

Filed: December 21, 2001

For: COMBINATION OF LACTIC ACID BACTERIA AND  
ITS USE FOR THE PREVENTION AND/OR  
TREATMENT OF INFECTIONS AND  
INFLAMMATORY CONDITIONS



Atty. Ref.: 2818-72

Group: 1651

Examiner: Ware

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OCT 03 2002

TECH CENTER 1600/2900

\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**DECLARATION OF DEPOSITED MATERIALS**

As an authorized representative and on the instructions of VSL Pharma Limited, a corporation of Dublin, Ireland, the assignee of the U.S. Patent application identified above, I hereby declare that:

- VSL Pharma Limited is the beneficial owner of the following deposit of biological materials identified and referred to in the specification of this application under the terms of the Budapest Treaty.

Accession No. FERM-

Depositor's Reference

Date Deposited

DSM 11988

CD2

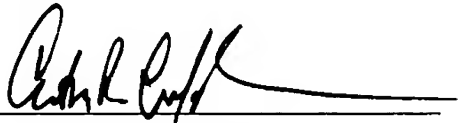
February 6, 1998

- The deposit of biological material identified above were made at the DSM-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH, and has been deposited and accepted under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and therefore the filing of a viability statement is unnecessary [37 C.F.R. 1.807(b)]

- The deposit will be maintained for a period of 30 years from the date of deposit or for the enforceable life of any patent issuing from this application or for a period of 5 years after the date of the most recent request for the furnishing of a sample of the deposited material, whichever is longest.
- The deposit will be replaced should it become contaminated or no longer viable.
- Subject to 37 C.F.R. § 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent.
- Access to the deposited material is permitted during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be so entitled under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

I further declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: \_\_\_\_\_

  
Arthur R. Crawford

Reg. No. 25,327

Date: October 2, 2002


BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Mendes s.r.l  
Via Catania, 1

I-00161 Roma RM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: CD2	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM 11988
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
<p>The microorganism identified under I. above was accompanied by:</p> <p>( ) a scientific description (X) a proposed taxonomic designation</p> <p>(Mark with a cross where applicable).</p>	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 1998-02-06 (Date of the original deposit) <sup>1</sup> .	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH  Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):   Date: 1998-02-11

<sup>1</sup> Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.